



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

September 6, 1990

Mr. A.W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-431

Dear Mr. Pogue:

You ask whether certain information, i.e., complaint files regarding certain insurance companies, is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10457.

We have considered the exceptions you claimed, specifically sections 3(a)(3) and 3(a)(10), and have reviewed the documents at issue.

You assert that section 3(a)(10) excepts financial information made confidential by section 22.27 of the Property Tax Code. Section 22.27 makes confidential certain information filed with an appraisal district office and certain information voluntarily disclosed to an appraisal office or to the Property Tax Board after a promise of confidentiality. It additionally prohibits the further release of this information by one who has access to or otherwise legally obtains the confidential information. By its terms section 22.27 makes confidential only information provided to the Property Tax Board or to an appraisal district office. You do not indicate whether (or under what provision of section 22.27(b)) you obtained any of the information in question either from the Property Tax Board or from an appraisal district office. If you did not obtain the information from the Property Tax Board or an appraisal district office, section 22.27 is, by its terms, not applicable. If you obtained the information from the Property Tax Board or an appraisal district office, you do not assert that the information was originally obtained as a rendition statement, as a real and personal property report, or as a voluntary disclosure after a promise of confidentiality. Accordingly, we have no basis upon which

to consider your claim of exception under section 22.27 of the Property Tax Code.

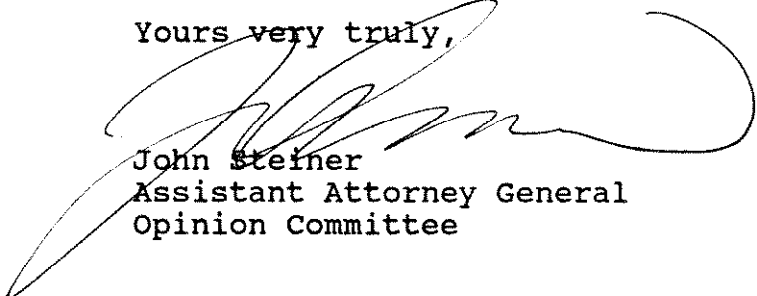
Section 3(a)(3) excepts information that relates to litigation to which a governmental body is a party only if such litigation is pending or reasonably anticipated. It cannot form the basis of a blanket exception for a class of information. You do not advise that litigation is pending or reasonably anticipated with respect to the subject matter of any of the requested information. Accordingly, we have no basis upon which to consider your claim that the requested information is excepted from public disclosure under section 3(a)(3). See Open Records Decision No. 556 (1990).

We note that section 6 of the Open Records Act does not except any information from public disclosure. Open Records Decision No. 460 (1987). The construction of section 6 that you propose was considered and specifically rejected by this office. Open Records Decision Nos. 344 (1982); 140 (1976).

You must release the requested information unless you can establish within ten days of your receipt of this letter a basis for your claim of exception under either section 22.27 of the Property Tax Code or section 3(a)(3) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-431.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 10457

cc: Richard E. McGary
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